

FILED

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURTfor the
District of _____

Western Division

MAR 01 2024**CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY CR DEPUTY**

Dr. Sonia Hernandez Caruso D.O., Pro Se

Case No. **1:24 CV 00217 DII**
(to be filled in by the Clerk's Office)**Plaintiff(s)***(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-v-

Jury Trial: (check one) ☒ Yes ☐ NoTexas Medical Board and Susan D. Rodriguez (Bar No 24055397)
Scott M. Freshour, J.D. (General Counsel), Amy Swanholm, J.D.
(Bar No 24056400), Sherif Zaanfran, MD, (President), Individually
& in their Official Capacities as Officers of the Texas Medical Board**Defendant(s)***(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)***COMPLAINT FOR A CIVIL CASE****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Dr. Sonia Hernandez Caruso D.O., Pro Se
Street Address	301 Silveron Blvd. Apt 7101
City and County	Flower Mound, Denton County
State and Zip Code	Texas, 75028
Telephone Number	214-471-3597
E-mail Address	sh291002@ohio.edu

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Texas Medical Board (TMB)
Job or Title <i>(if known)</i>	Texas Medical Board Agency #503
Street Address	1801 Congress Ave., Suite 9-200. P.O. Box 2018
City and County	Austin, Travis county
State and Zip Code	Texas 78768-2018
Telephone Number	512-305-7010
E-mail Address <i>(if known)</i>	not known

Defendant No. 2

Name	Susan D. Rodriguez
Job or Title <i>(if known)</i>	Attorney-State Office of Administrative Hearings Admin. Law Judge
Street Address	300 W. 15th Street
City and County	Austin, Travis County
State and Zip Code	Texas 78701
Telephone Number	512-475-4993
E-mail Address <i>(if known)</i>	not known

Defendant No. 3

Name	Scott M Freshour
Job or Title <i>(if known)</i>	General Counsel - Attorney for TMB
Street Address	1801 Congress Ave., Suite 9-200. P.O. Box 2018
City and County	Austin, Travis County
State and Zip Code	Texas 78768-2018
Telephone Number	512-305-7010
E-mail Address <i>(if known)</i>	not known

Defendant No. 4

Name	Amy Swanholm J.D.
Job or Title <i>(if known)</i>	Attorney for TMB
Street Address	1801 Congress Ave., Suite 9-200. P.O. Box 2018
City and County	Austin, Travis County
State and Zip Code	Texas 78768-2018
Telephone Number	512-305-7010
E-mail Address <i>(if known)</i>	not known

B. The Defendant(s) CONTINUED

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 5

Name Sherif Zaafran, MD

Job or Title (*if known*) President of TMB

Street Address 1801 Congress Ave., Suite 9-200. P.O. Box 2018

City and County Austin, Travis County

State and Zip Code Texas 78768-2018

Telephone Number 512-305-7010

E-mail Address (*if known*) Not Known

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S.C. Section 1983, 14th Amendment, 5th Amendment, 18 U.S.C. Section 242, 42 CFR Part 1003, 42 U.S.C. 1981, 42 U.S.C. 2000e, 42 U.S.C. 11111, 42 U.S.C. 11112, Section 164.060(b)(4) of the Texas Occupations Code, 22 TEX. ADMIN. CODE § 187.5, TITLE VII of the Civil Rights Act of 1964

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* N/A, is a citizen of the State of *(name)*

b. If the plaintiff is a corporation

The plaintiff, *(name)* N/A, is incorporated under the laws of the State of *(name)* and has its principal place of business in the State of *(name)*

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* N/A, is a citizen of the State of *(name)*. Or is a citizen of *(foreign nation)*

b. If the defendant is a corporation

The defendant, *(name)* N/A, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*.
Or is incorporated under the laws of *(foreign nation)*, and has its principal place of business in *(name)*.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy--the amount the plaintiff claims the defendant owes or the amount at stake--is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Yes, the amount at stake is more than \$75,000 because Plaintiff lost two employment contracts.
1. Valley Retina Institute, McAllen, Texas \$1,200,000.00 + production incentive and
2. Praire Eye Center LTD, Springfield, IL, \$450,000 + production incentive
3. Punitive damages, attorneys fees and court costs

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See Exhibit 1.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. Plaintiff asks the Court to award Plaintiff the amount of the loss of her TX contract valued at \$1,200,000.00.
2. Plaintiff asks the Court for an Injunctive Relief in the way of ordering the TMB to issue a Void report to the National Practitioner Databank (NPDB) of their 2022 report against Plaintiff,
3. Plaintiff asks the Court for an Injunctive Relief in the way of ordering the TMB to remove the negative information from the TMB's website against Plaintiff.
4. Plaintiff asks the Court to award Plaintiff the amount of the loss of her IL contract valued at \$450,000.00.

5. Plaintiff asks the Court for an Injunctive Relief in the way of ordering the TMB to remove the disciplinary restrictions from Plaintiff's license.
6. Plaintiff asks the Court to award Plaintiff all fees, attorney fees and court costs incurred by Plaintiff
7. Plaintiff asks the Court to award Plaintiff One Million dollars (\$1,000,000.00) per Defendant in punitive damages for mental anguish, emotional distress and damage to Plaintiff's reputation and career in order to deter Defendants from engaging in similar conduct.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 02/29/2024

Signature of Plaintiff

Printed Name of Plaintiff

Dr. Sonia Hernandez Caruso D.O. Pro Se
Dr. Sonia Hernandez Caruso D.O. Pro Se

B. For Attorneys

Date of signing: N/A

Signature of Attorney N/A

Printed Name of Attorney N/A

Bar Number N/A

Name of Law Firm N/A

Street Address N/A

State and Zip Code N/A

Telephone Number N/A

E-mail Address N/A